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September 7, 1999

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SEP 07 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W., TWA325
Washington, DC 20004

Re: MM Docket No. 99-238
MM-9669

Dear Ms. Salas:

Transmitted herewith, on behalf of Hearst-Argyle Stations, Inc., are an original and four copies of the Reply Comments of Hearst-Argyle Stations, Inc. in the above-captioned docket.

If any questions should arise during the course of your consideration of this matter, it is respectfully requested that you communicate with the undersigned.

Sincerely,

BROOKS, PIERCE, McLENDON,
HUMPHREY & LEONARD, L.L.P.

Mark J. Prax
Counsel to Hearst-Argyle Stations, Inc.

MJP:kws
Enclosure
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Before the
Federal Communications Commission
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Section 73.606(b),)
Table of Allotments,)
TV Broadcast Stations,)
(North Pole and Plattsburgh, New York))
)
Amendment of Section 73.622(b),)
DTV Table of Allotments,)
DTV Broadcast Stations.)
(North Pole and Plattsburgh, New York))

MM Docket No. 99-238
RM-9669

To: Chief, Allocations Bureau
Policy & Rules Division
Mass Media Bureau

**REPLY COMMENTS OF
HEARST-ARGYLE STATIONS, INC.**

Hearst-Argyle Stations, Inc., licensee of Television Station WPTZ(TV) and WPTZ-DT, North Pole, New York, ("Hearst-Argyle" or "WPTZ") hereby replies to the comments of Mt. Mansfield Television, Inc., licensee of WCAX-TV, Burlington Vermont ("WCAX").

Preliminary Statement

WPTZ is an NBC affiliate operating on Channel 5. The station went on the air in 1954 and, since that time, has been providing service to the public in the Adirondack/Lake Champlain region of upstate New York and Vermont from main studios located in Plattsburgh, New York. WPTZ is located in the Burlington, Vermont-Plattsburgh, New York DMA, which is ranked number 91 by

Nielsen.¹ There are 17 counties in the DMA – three in New York, 12 in Vermont and two in New Hampshire.² For some time, the Burlington-Plattsburgh audience ratings leader has been WCAX. However, in 1998 Hearst-Argyle acquired WPTZ and the competitive climate in the market has, not surprisingly, begun to change.³ WCAX has engaged in a campaign of misinformation to suggest to local residents in Plattsburgh that they are about to lose service from WPTZ. Nothing could be further from the truth. Amazingly, WCAX has even suggested to local public officials in Plattsburgh that if WPTZ were to place its digital transmitter atop Mt. Mansfield (which is located in Vermont), WPTZ's commitment to serve Plattsburgh and other communities in New York would somehow be lessened.⁴ This is specious, competitive gamesmanship. WPTZ's studios have been located in Plattsburgh for over 40 years and the station will continue to be so located regardless of the outcome of this proceeding. This proceeding is not about possible DTV transmitter sites.

WPTZ filed the instant petition for one simple reason. Presently, the station is required to use "North Pole" as the first community listed in its top-of-the-hour station identification required by Section 73.1201 of the rules. This requirement seemed anachronistic to Hearst-Argyle since, as the Commission rightly noted in the *Notice of Proposed Rule Making* (DA 99-1235) (released: July

¹ 1999 *Television & Cable Factbook*, p. A-767 (excerpts attached as Exhibit A).

² The counties are: Franklin, Clinton and Essex in New York and Grand Isle, Franklin, Orleans, Essex, Caledonia, Lamoile, Chittenden, Washington, Addison, Orange, Windsor and Rutland in Vermont, and Grafton and Sullivan in New Hampshire. Excerpts from the 1999 *Television & Cable Factbook* contained in Exhibit A depict the DMA and the Grade A and Grade B services contours of WPTZ and WCAX.

³ In the February and July 1999 ratings books, WPTZ either beat or tied WCAX in audience share during certain local newscasts. Additional competition has, of course, also been supplied in recent years by additional stations offering Fox, WB and UPN programming.

⁴ WCAX has even encouraged Plattsburgh area residents to write the FCC so as not to lose their service from WPTZ if WPTZ's city of license is changed to Plattsburgh!

2, 1999) ("*NPRM*") North Pole has a population of some 70 persons and is not much more than a small, holiday novelty village. *NPRM*, ¶ 5. Given that WPTZ's main studios have long been located in Plattsburgh, it made sense to Hearst-Argyle to have its community of license square with its main studio location. From a public interest standpoint, WPTZ devotes attention to news and issues of concern facing the residents of Plattsburgh, North Pole and the surrounding Adirondacks/Lake Champlain region. It must be noted, however, that there is a lot less to cover from a news and public issues standpoint in North Pole than there is in Plattsburgh. As the Commission has observed, North Pole has no schools, library, community organizations or significant local businesses. *NPRM*, ¶ 3.

The thrust of WCAX's comments is that, by changing WPTZ's city of license from North Pole to Plattsburgh, the residents of Lake Placid and Saranac Lake will somehow be denied the ability to receive a signal from WPTZ-DT's as yet unconstructed DTV facilities. WCAX, Comments, p. 11. WCAX's comments are premised on the notion that Lake Placid and Saranac Lake presently receive principal community coverage service from WPTZ. As the engineering statement of WPTZ's consulting engineer, Bernard R. Segal, P.E., attached as Exhibit B, demonstrates WCAX's argument is a classic "red-herring" founded upon a false premise.⁵ First, WPTZ has never provided, nor does it now provide, principal community service coverage to Lake Placid or Saranac Lake.⁶ Of course, it is true that residents of Lake Placid and Saranac Lake receive WPTZ's signal because the station places a Grade A (and, thus, also a Grade B) level signal over these communities.⁷ Second, WPTZ is not licensed to Lake Placid or Saranac Lake. It is licensed

⁵ Segal, Engineering Statement, pp. 2-5.

⁶ *Id.*

⁷ WPTZ places a Grade B signal over all of Franklin, Essex and Clinton counties in New York. See Exhibit A.

to North Pole. The issue to be decided is whether the allotment of NTSC Channel 5 and DTV Channel 14 to North Pole is more preferable than their proposed allotment to Plattsburgh.

Argument

A. Plattsburgh Is Plainly Preferable To North Pole Under The Commission's TV Allotment Priorities

Hearst-Argyle's proposal to change the city of license of WPTZ from North Pole to Plattsburgh, New York is compelled by a comparison of the facts with the allotment priorities employed by the Commission. WCAX would, for competitive reasons, like to view the world as it was in the 1950's, but many marketplace facts and intervening changes in Commission policy make plain that Plattsburgh is superior to North Pole from a public interest standpoint.

In order to determine where the public interest lies, the Commission must consider the following allotment priorities:

- (1) provide at least one television service to all parts of the United States;
- (2) provide each community with at least one television broadcast station;
- (3) provide a choice of at least two television services to all parts of the United States;
- (4) provide each community with at least two television broadcast stations; and
- (5) assign any remaining channels to communities based on population, geographic location, and the number of television services available to the community from stations located in other communities.⁸

⁸ *Sixth Report and Order on Television Allocations*, 41 FCC 148 (1952).

The only aspect of the allotment priorities implicated here is priority (5) above. Because WPTZ has no intention of relocating its NTSC transmitter from Mt. Terry, there are no signal coverage issues. WPTZ's signal will remain as it has since 1954. So, too, the station's main studio will continue to remain in Plattsburgh. Since WCAX has raised the issue, it is worth noting that neither Lake Placid, Saranac Lake, nor North Pole are large, burgeoning communities. Indeed, the 1950 population of Lake Placid was 2,999; it boasted only 2,500 residents in 1990; it is estimated to have only 2,362 residents today.⁹ Saranac Lake's story is similar. Its 1990 population was 5,377; it is estimated to have only 5,114 residents today.¹⁰

WCAX contends that WPTZ's channel was actually allotted to the Tri-Lakes Region, but the *Report and Order* of September 11, 1952, plucked from the National Archives says no such thing.¹¹ Whatever WPTZ's predecessors or others may have said to the Commission in argument, the Commission allotted the channel to Lake Placid.¹² Ultimately, through the operation of the old "15 mile rule," the station was constructed in 1954 with its city of license as North Pole and its studios in Plattsburgh. Thus, WCAX's historical recitation, while interesting reading, is also largely

⁹ Source: U.S. Census Bureau, <http://www.census.gov/population/estimates/metro-city/scts/SC98T_NY-DR.txt>

¹⁰ *Id.*

¹¹ *Report and Order* in Docket No. 10562, released: September 11, 1953, copy in WCAX Comments, Exhibit 1.

¹² Much of WCAX's argument is devoted to a claim that North Pole is somehow "more connected" to Lake Placid and Saranac Lake than to Plattsburgh. WCAX, Comments, pp. 2-12. This is an effort to misdirect the focus of the Commission's attention as well. Plattsburgh is the largest community in Essex, Franklin and Clinton counties. It has no commercial television station allotted to it. The issue is whether the Commission's allotment priorities would be better served by allotting the frequencies at issue to Plattsburgh rather than North Pole. As demonstrated above, North Pole is not a community for Section 307(b) purposes.

irrelevant. As noted, WPTZ does not plan to relocate its NTSC transmitter. So, no one in Lake Placid, Saranac Lake, North Pole or Plattsburgh is going to lose any television reception service they presently possess.

It must also be noted that in 1990 the Commission amended the TV Table of Allotments to make clear that Channel 5 was allotted to North Pole, New York – not to Lake Placid or, as WCAX would have it, “the Tri-Lakes Region.”¹³ Television stations are intended to serve a wide area and WPTZ does. WPTZ puts an excellent signal into Essex County and is carried by cable operators there as well. In the future, it is reasonable to expect that WPTZ’s signal will be carried on a “local into local” basis by satellite providers.

Interestingly, WCAX fails to mention that Lake Placid already has a television channel allotted to it.¹⁴ Channel 34, a non-commercial allotment, has been available at Lake Placid for some time. Currently, there is no station operating on the channel. Saranac Lake also has a television channel allotted to it as well.¹⁵ Channel 61, a commercial allotment, has been available at Saranac Lake since 1987. Presently, no one is operating on this channel either. Obviously, if WCAX or anyone else wished to operate stations on these channels, the frequencies are there for the asking. The fact is, of course, that one would have to serve more than just these small resorts to offer a viable, wide area television service.

By changing WPTZ’s city of license from North Pole to Plattsburgh, the Commission will be fulfilling allotment priority number 5. Plattsburgh, though it possesses a non-commercial

¹³ Source: *Amendment of the Rules Regarding Modification of FM and TV Authorizations to Specify A New Community of License*, 68 R.R.2d 644, 651 (1990).

¹⁴ 47 C.F.R. § 73.606(b).

¹⁵ *Id.*

allotment, is the largest community in the three New York counties – Clinton, Essex and Franklin – within the Burlington-Plattsburgh DMA. Plattsburgh has a current population of 18,678, it is the county seat of Clinton County, and is the closest city of any significant size located near North Pole, Lake Placid or Saranac Lake.¹⁶ From a public interest standpoint, Plattsburgh is clearly in greater need of a first local commercial television transmission service than is North Pole. Indeed, WCAX has conceded this point, noting that North Pole is “in essence, a holiday novelty village.” WCAX Comments, p. 7.

It must be noted that, in order to change community of license as WPTZ has requested, the Commission must be convinced of three things. First, the proposal must be mutually exclusive with the existing allotment. That requirement is satisfied here. Second, the allotment to Plattsburgh must better serve the Commission’s allotment priorities than the allotment to North Pole. This is true because North Pole has plainly lost whatever indicia of community status it may ever have had for Section 307(b) purposes. North Pole simply cannot measure up to Plattsburgh as a community. Finally, the change will not deprive a community of its sole existing broadcast station because North Pole is no longer a “community” within the meaning of Section 307(b) of the Act. Nor, it should be noted, will North Pole “lose” anything in any event: WPTZ’s studios have been located in Plattsburgh since the 1950’s and its transmitter is located on Mt. Terry. Accordingly, Hearst-Argyle has satisfied the dictates of Section 1.420(i) of the Rules and the Commission’s decisions in *Amendment of Commission Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License*, 4 FCC Rcd. 4870 (1989), *recon. granted in part*, 5 FCC Rcd 7094 (1990). The fact is, as the staff correctly noted in the *Notice of Proposed Rule Making*, North Pole

¹⁶ See U.S. Census Bureau data in note 7 *supra* and 1999 Rand McNally Road Atlas, p. 70.

is not a "community" for Section 307(b) purposes. North Pole plainly does not possess the necessary indicia of community status. Ergo, Plattsburgh is the preferred choice for Channel 5.

WCAX half-heartedly suggests in a footnote that: "If the Commission should conclude that North Pole is not a community for allotment purposes, it should order WPTZ to show cause why its license should not be modified to specify Lake Placid or Saranac Lake as its community of license." WCAX, Comments, p. 7, n. 21. WCAX offers no supporting facts or argument in support of Lake Placid or Saranac Lake as proposed alternatives. As previously noted, Lake Placid and Saranac Lake each have television channels allotted to them which are lying fallow. Current population figures for these communities are as follows:

Plattsburgh	18,678
Saranac Lake	5,114
Lake Placid	2,362

Source: U.S. Census Bureau

<<http://census.gov/population/estimates/metro-city/scts/sc98t-NY-DR.txt>>

The combined populations of Saranac Lake and Lake Placid are not even equal to one-half the population of Plattsburgh. Thus, from a 307(b) perspective, Plattsburgh is clearly the preferable community. Finally, it must be noted that there is a serious question as to whether Saranac Lake and Lake Placid are "communities" within the meaning of Section 307(b) from a digital television point of view. In issuing the new DTV Table of Allotments and preparing for an advanced television service in the new millennium, the Commission did not make an allotment of a digital channel to either Lake Placid or Saranac Lake. See 47 C.F.R. §73.622. The fact is that, although they are more populous than North Pole, these resort villages are not and should not be treated as "communities" within the meaning of Section 307(b) of the Communications Act for television allotment purposes.

They will continue to receive television service from stations such as WPTZ and WCAX which serve a wide area.

B. WPTZ Will Continue To Serve Lake Placid, Saranac Lake And Other Communities In Essex County After The Digital Transition

WCAX asserts that if WPTZ constructs its digital television transmission facilities atop Mt. Mansfield, it will fail to provide service to Lake Placid and Saranac Lake. WPTZ does desire to locate its DTV facilities atop Mt. Mansfield.¹⁷ Hearst-Argyle is working with the Mt. Mansfield Colocation Association to achieve this objective. But it is far from a forgone conclusion that Hearst-Argyle will be able to achieve this goal. Indeed, it seems plain from the filing of its comments in this proceeding and other actions that WCAX intends to do all it can to keep WPTZ from locating its DTV facilities on Mt. Mansfield. Hearst-Argyle believes that the co-location of as many DTV stations in the market as possible on top of Mt. Mansfield will best serve the public interest. If Hearst-Argyle should, in fact, locate its DTV facilities on Mt. Mansfield, it will have every incentive to ensure that its DTV signal adequately covers Lake Placid and Saranac Lake. Essex County is a

¹⁷ WCAX's comments, viewed in their proper context, are clearly those of a competitor who realizes that its long-held signal coverage advantage flowing from its transmitter location atop Mt. Mansfield is about to be lost. Just as the advent of cable television tended to be a "competitive equalizer" for UHF stations, the advent of DTV will, not surprisingly, further level the facilities playing field between competitors in many markets throughout the United States. This is so because of the desire of state and local governments to see broadcast and common-carrier communications facilities co-located on common towers wherever possible. WCAX has battled for years to keep other broadcasters from transmitting atop Mt. Mansfield. But, WCAX's obstructionist tactics cannot be allowed to prevail any longer. Public officials and broadcasters have recognized the benefits to the public which will flow from allowing television stations in the Burlington-Plattsburgh market to locate their DTV transmitters on top of Mt. Mansfield. The Mt. Mansfield Colocation Association is hard at work endeavoring to engineer a plan that would allow for such common facilities. WPTZ and WCAX are both dues-paying members of that group. Obviously, a common DTV antenna site makes sense for residents of both New York and Vermont who will not have to re-orient their antennas toward different transmitter locations when changing channels. The environmental benefits of co-location are obvious as well.

significant county in WPTZ's DMA. In the event WPTZ's actual DTV signal were to be incapable of reliable reception in Essex County, Hearst-Argyle will take appropriate action to rectify any such problem.¹⁸ Hearst-Argyle is also confident, given WCAX's concern about the adequacy of WPTZ-DT's as yet unbuilt DTV facilities, that it can count on WCAX to support any power increase applications or rule waivers that might be required to ensure that WPTZ-DT's signal is an excellent one.¹⁹ The fact is that WCAX's assertions regarding the location and nature of WPTZ-DT's technical facilities are little more than speculation and surmise.²⁰

Conclusion

From a public interest perspective, Plattsburgh is clearly preferential to North Pole (or any other New York community in the Burlington-Plattsburgh DMA) for the assignment of NTSC Channel 5 and DTV Channel 14. North Pole is plainly not a "community" within the meaning of Section 307(b) of the Act.

¹⁸ Such actions could include constructing a translator station.

¹⁹ There are a couple other specious and premature technical arguments raised by WCAX regarding Canadian land mobile interference and LPTV stations that merit no response other than that noted by WPTZ's engineering consultant Bernard Segal in his engineering statement at p. 6.

²⁰ In order to operate cooperatively from atop Mt. Mansfield, WPTZ-DT may need to operate from a DTV channel other than 14 or with a transmitter power greater than that employed by WCAX. These are, of course, matters for another day and are irrelevant to this proceeding.

Respectfully Submitted,

HEARST-ARGYLE STATIONS, INC.

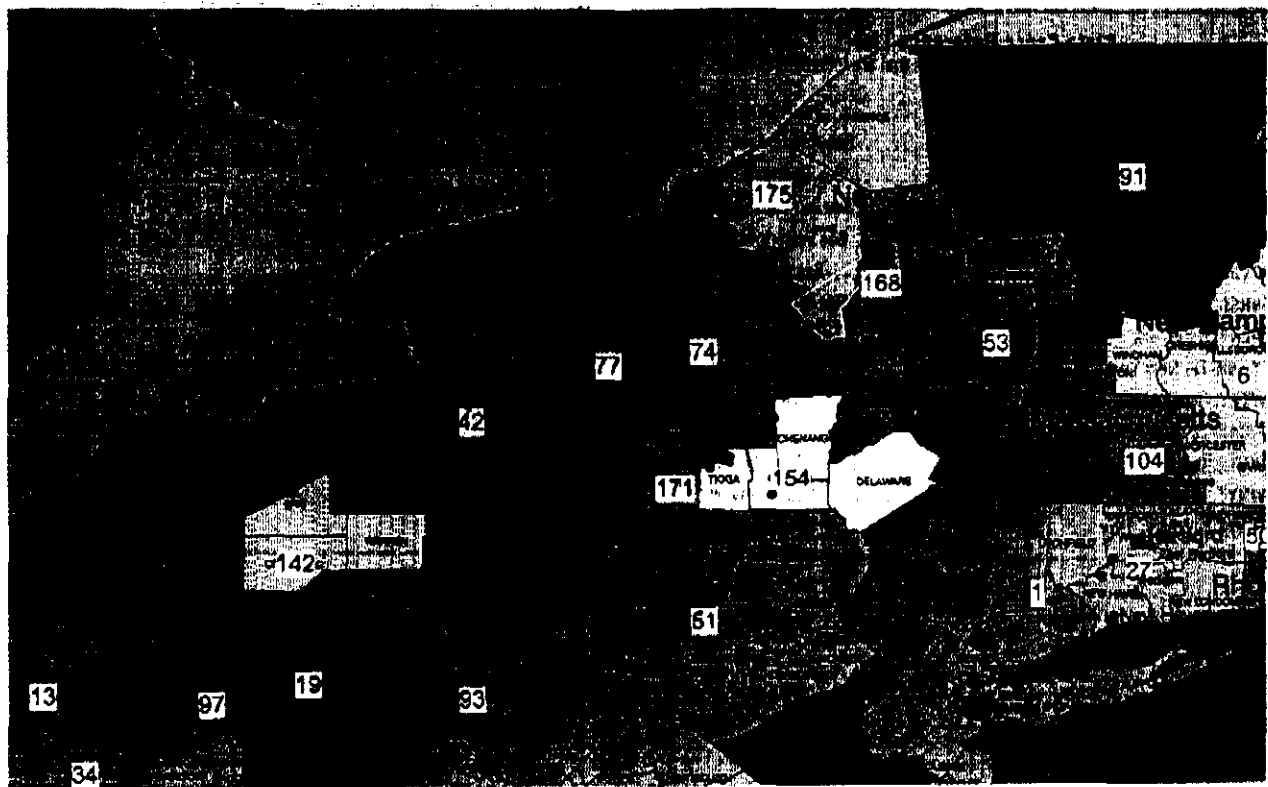
September 7, 1999

By: 

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Coe W. Ramsey
Its Attorneys

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EXHIBIT A
Excerpts from *1999 Television & Cable Factbook*



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MARKET	NIELSEN DMA TV HOUSEHOLDS	RANK	MARKET AREA COMMERCIAL STATIONS
New York, NY	6,812,540	1	WABC-TV (7), WBPT (43), WCBS-TV (2), WHSE-TV (68), WHSI-TV (67), WLNY (55), WMBC-TV (63), WNBC (4), WNUJ (47), WNYW (5), WPIX (11), WPMX-TV (31), WRNN-TV (62), WTRY (54), WWRX-TV (9), WXTV (41)
Philadelphia, PA	2,667,620	4	KYW-TV (3), WBSH-TV (60), WCAU (10), WFMZ-TV (89), WGTW (48), WHSP-TV (65), WMGM-TV (40), WPHL-TV (17), WPPX (61), WPSG (57), WPMI-TV (6), WTVF (61), WTFX-TV (29), WWAC-TV (53)
Buffalo, NY	627,020	42	WGRZ-TV (2), WIVB-TV (4), WKBW-TV (7), WNGS (67), WNYB (26), WNYO-TV (49), WUTV (29)
Albany-Schenectady-Troy, NY	507,690	53	WCDC (10), WNYT (13), WAGB (6), WTEN (10), WXXA-TV (23), WYPX (55)
Syracuse, NY	371,560	74	WDTT (9), WNYX-TV (43), WSTM-TV (3), WSYT (68), WTVH (5)
Rochester, NY	367,510	77	WHEG-TV (10), WOKR (13), WRQC-TV (8), WUHF (31)
Burlington, VT-Plattsburgh, NY	291,610	91	WCAX-TV (3), WFFF-TV (44), WNNB (31), WPTZ (5), WYNY (22)
Binghamton, NY	128,850	154	WBNG-TV (12), WICZ-TV (40), WJVT (34)
Utica, NY	96,610	160	WFXV (33), WKTV (2), WUTR (20)
Elmira, NY	91,920	171	WENY-TV (36), WETM-TV (18), WYDC (48)
Watertown, NY	85,360	175	WYNY-TV (7), WWTI (50)

New York—Plattsburgh**WPTZ**
Ch. 5**(Operates satellite WNNE, Hartford, VT-Manover, NH)**

Network Service: NBC.

Licensee: Hearst-Argyle Stations Inc., 959 8th Ave., New York, NY 10019.

Studios: 5 Television Dr., Plattsburgh, NY 12901; 45 Roosevelt Hwy., Colchester, VT 05446.

Phones: 518-561-6555; 802-882-8817 Fax: 518-561-6940.

Technical Facilities: Channel No. 5 (76-82 MHz). Authorized power: 25.1-kw visual, 4.27-kw aural. Antenna: 1990-ft. above av. terrain, 977-ft. above ground, 3052-ft. above sea level.

Latitude	44°	34'	25"
Longitude	73°	40'	29"

Transmitter: Terry Mountain.

FCC Proposed Digital Facilities: Ch. 14, 215.8-kw, 1991-ft. above av. terrain.

Multichannel TV Sound: Stereo only.

Satellite Earth Station: ADM, 6.1-meter; Scientific-Atlanta receivers.

News Service: AP.

Ownership: Hearst-Argyle Television Inc. (Group Owner).

Began Operation: December 8, 1954. Station, along with Sunrise Television's KSBW & WNNE, was swapped for Hearst-Argyle's WOTN & WNAC-TV (Television Digest, Vol. 38:8). FCC approved deal July 1, 1998. In 1997, Sunrise Television purchased station from Sinclair Communications. Sinclair purchased station through trustee William G. Evans after News Corp. had bought Heritage Communications (Vol. 37:12, 29, 32). Merger of Rollins Communications with Heritage Communications approved by FCC February 9, 1987 (Television Digest, Vol. 26:20, 23). Sale to Rollins Communications by Carl F. Slohn group approved March 28, 1956 by FCC (Vol. 12:7, 13).

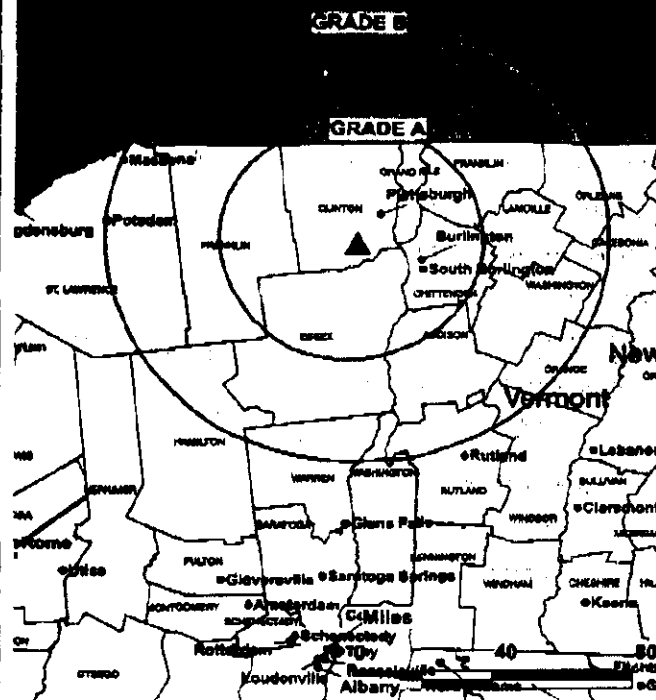
Represented (sales): Petry Television Inc.; AirTime Television Sales Inc.

Represented (legal): Akin, Gump, Strauss, Hauer & Feld LLP.

Personnel:

Paul Sands, President & General Manager.
F. Semler Dieterich, General Sales Manager.
James Langton, Local Sales Manager.
Coco Wick, New England Sales Manager.
Joe Krome, Operations Manager.
Tom Bradshaw, Chief Engineer.
Stewart Ledbetter, News Director.
James Gratton, Production & Public Service Manager.
Dick Roberts, Promotion Manager.

Rates: On request.

WPTZ SMPCT-2080 GRANTED: 8/26/54

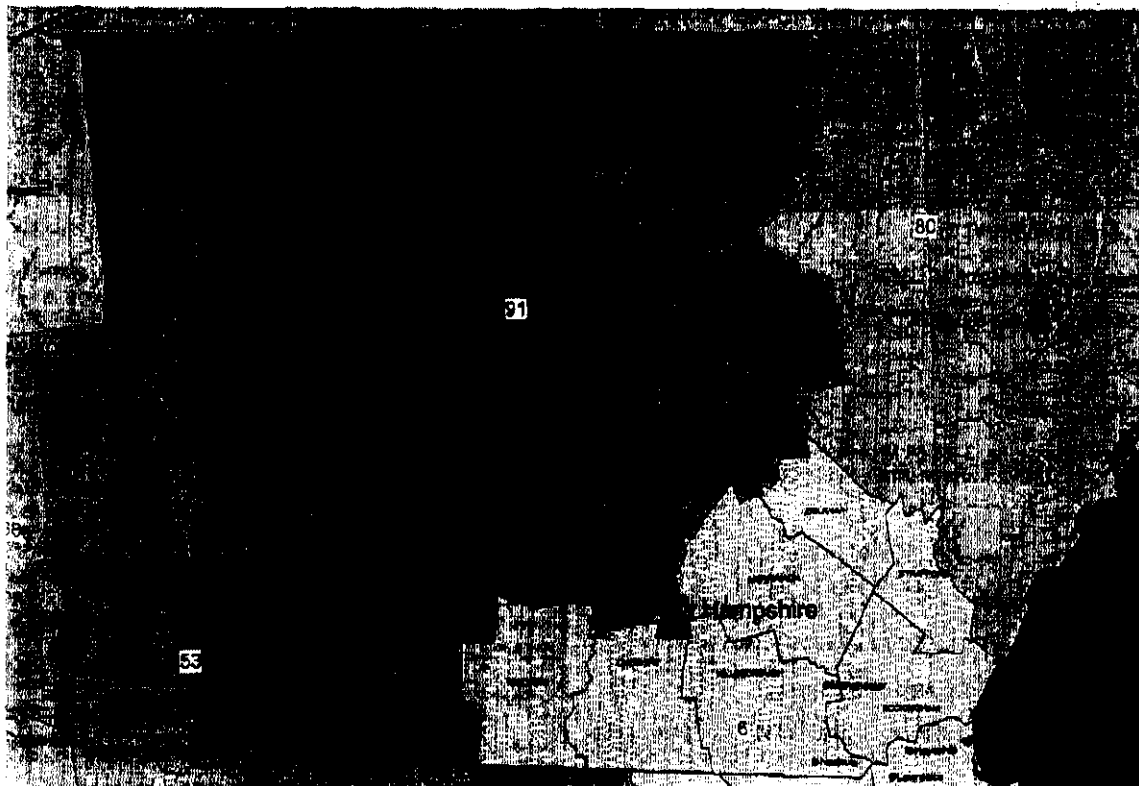
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City of License: North Pole. Station DMA: Burlington-Plattsburgh. Rank: 91.

Circulation © 1998 Nielsen. Coverage based on Nielsen study.

Grand Total	Cable TV Households	Non-cable TV Households	Total TV Households
Estimated Station Totals*	179,640	84,760	264,400
Average Weekly Circulation (1998)	122,345	38,905	161,251
Average Daily Circulation (1998)			91,845
Station DMA Total	Cable TV Households	Non-cable TV Households	Total TV Households
Estimated Station Totals*	148,680	74,940	223,620
Average Weekly Circulation (1998)	108,735	37,850	148,585
Average Daily Circulation (1998)			85,319
Other DMA Total	Cable TV Households	Non-cable TV Households	Total TV Households
Estimated Station Totals*	30,960	9,820	40,780
Average Weekly Circulation (1998)	13,610	1,056	14,666
Average Daily Circulation (1998)			6,526

* Estimated station totals are sums of the Nielsen TV and Cable TV household estimates for each county in which the station registers viewing of more than 5% as per the Nielsen Survey Methods.



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MARKET	NIELSEN DMA TV HOUSEHOLDS	RANK
Boston, MA	2,186,100	6
Albany-Schenectady-Troy, NY	507,680	53
Portland-Auburn, ME	351,740	80
Burlington, VT-Plattsburgh, NY	291,610	91

MARKET AREA COMMERCIAL STATIONS

WABU (68), WBPX (46), WBZ-TV (4), WCVB-TV (5), WPXT (25), WHDH-TV (7),
 WHSH-TV (58), WLVI-TV (56), WMFP (62), WMUR-TV (9), WNBH (21), WNDS (50),
 WPXB (60), WSBK-TV (38), WUNI (27), WZLW (58)
 WDDC (19), WNYT (13), WRGB (8), WTEN (10), WXXA-TV (23), WYPX (55)
 WCSH (5), WGME-TV (13), WMTW-TV (8), WPXT (51)
 WCAX-TV (3), WFFF-TV (44), WNNE (31), WPTZ (5), WYNY (22)

State Cross Reference List

Communities that receive programs of stations that are located elsewhere.

WPTZ, Burlington See Plattsburgh, NY
 WNNE, White River Junction See Hartford, VT.

Vermont Station Totals as of November 1, 1998

	VHF	UHF	TOTAL
Commercial Television	1	3	4
Educational Television	0	4	4
	1	7	8

Vermont—Burlington**WCAV-TV
Ch. 3**

Network Service: CBS.

Licensee: Mount Mansfield Television Inc., Joy Dr., South Burlington, VT 05403.

Studio: Joy Dr., South Burlington, VT 05403.

Mailing Address: Box 608, Burlington, VT 05402.

Phone: 802-658-6300. Fax: 802-658-0529.

E-mail: channel3@wcax.com

Web Site: http://www.wcax.com

Technical Facilities: Channel No. 3 (60-66 MHz). Authorized power: 37.6-kw visual, 7.4-kw aural. Antenna: 2740-ft. above av. terrain, 116-ft. above ground, 4176-ft. above sea level.

Latitude 44° 31' 36"
Longitude 72° 48' 57"

Transmitter: Atop Mount Mansfield.

FCC Proposed Digital Facilities: Ch. 53, 817.0-kw, 2738.8-ft. above av. terrain.

Multichannel TV Sound: Stereo and separate audio program.

Satellite Earth Stations: Transmit/receive Harris, 8-meter G-band; Transmit/receive Scientific-Atlanta, 6-meter Ku-band; RCA Americom, Ku-band; Harris, Scientific-Atlanta receivers.

SNG Mobile Dish: Midwest Communications, 2.3-meter Ku-band.

News Service: AP.

Ownership: Mount Mansfield Television Inc.

Began Operation: September 3, 1954.

Represented (sales): Harrington, Richter & Parsons Inc.

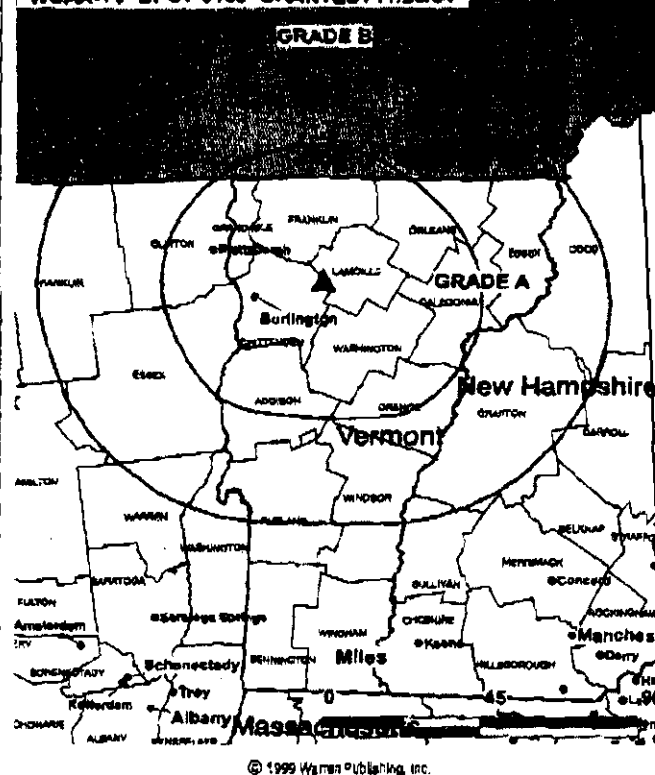
Represented (legal): Wilmer, Cutler & Pickering.

Personnel:

Stuart T. Martin, President
Peter R. Martin, Executive Vice President & General Manager.
Dolores Orolotto, Vice President & Comptroller.
Bruce Grindlo, General Sales Manager.
Judith Fisher, Local Sales Manager.
Marsella Parsons, News Director.
Theodore Terfner, Chief Engineer.
Phil Schwartz, Commercial Director & Production Supervisor.
Jim Strader, Director, Operations & Marketing.
Meredith Goodwin, Coordinator, Programming & Public Service.

Rates: On request.

WCAV-TV BPCT-3188 GRANTED: 11/20/64



City of License: Burlington. Station DMA: Burlington-Plattsburgh. Rank: 91.

Circulation © 1998 Nielsen. Coverage based on Nielsen study.

Grand Total	Cable TV Households	Non-cable TV Households	Total TV Households
Estimated Station Totals*	231,810	118,750	350,560
Average Weekly Circulation (1998)	163,343	59,187	222,530
Average Daily Circulation (1998)			133,160
Station DMA Total	Cable TV Households	Non-cable TV Households	Total TV Households
Estimated Station Totals*	179,580	102,110	281,690
Average Weekly Circulation (1998)	144,678	57,476	202,154
Average Daily Circulation (1998)			125,484
Other DMA Total	Cable TV Households	Non-cable TV Households	Total TV Households
Estimated Station Totals*	52,230	16,640	68,870
Average Weekly Circulation (1998)	18,665	1,711	20,377
Average Daily Circulation (1998)			7,676

*Estimated station totals are sums of the Nielsen TV and Cable TV household estimates for each county in which the station registers viewing of more than 5% as per the Nielsen Survey Method.

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EXHIBIT B
Engineering Statement

Bernard R. Segal, P.E.
Consulting Engineer
Washington, DC

**ENGINEERING STATEMENT
PREPARED ON BEHALF OF
HEARST-ARGYLE STATIONS, INC.
STATION WPTZ
NORTH POLE, NEW YORK**

The instant Engineering Statement has been prepared on behalf of Hearst-Argyle Stations, Inc. (hereafter, Hearst-Argyle) licensee of station WPTZ, North Pole, New York. This statement supports a reply to the comments of Mt. Mansfield Television, Inc. (Mt. Mansfield) in opposition to the Hearst-Argyle petition in MM Docket Number 99-238, RM-9669, to amend the Table of Allotments, Section 73.607(b) and DTV Table of Allotments, Section 73.622(b) to specify Plattsburgh instead of North Pole as the city of license for WPTZ.

The essence of the Mt. Mansfield opposition is that if the city of license change is permitted for WPTZ, the station's obligation to provide Lake Placid with "principal community" coverage would disappear. Also, since it is Hearst-Argyle's intent to locate the WPTZ-DT facility at Mt. Mansfield, inadequate signal strength would result in Lake Placid and Saranac Lake to permit satisfactory DTV reception. Exhibit 4 in the Mt. Mansfield opposition is the "Statement of Hammett & Edison, Inc., Consulting Engineers, which provides the technical support for the stated arguments.

Bernard R. Segal, P.E.
Consulting Engineer
Washington, DC

Engineering Statement
Station WPTZ, North Pole, New York

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The undersigned does not refute the results of the studies made, nor the conclusions reached. However, the premise that Lake Placid and Saranac Lake currently receive "principal community" coverage is clearly incorrect, and that the assertion stemming therefrom that those communities must continue to receive principal community service, is a false notion.

Figure 1 is a map which shows the 74 dBu, principal community service contour for WPTZ for its present operation from Mt. Terry using the FCC prediction methodology and the same coverage prediction using the Longley-Rice methodology, version 1.2.2,¹ as implemented by EDX Engineering, Inc.. The FCC prediction is for 50% location and time variables and the Longley-Rice prediction is for the same variables with a 50% confidence factor.

The Longley-Rice calculations were based on 1 km terrain sample increments using the NGDC 30-second terrain elevation database information. The map of Figure 1 indicates that, based on the FCC prediction methodology,

¹ This is the same model employed by the FCC in the DTV rulemaking proceeding.

Lake Placid, but not Saranac Lake, is included within the principal community, 74 dBu contour².

By using the more sophisticated Longley-Rice prediction methodology which is part of the TIREM (terrain integrated rough earth model) that was employed by Hammet & Edison, Inc., it is clear that Lake Placid (and Saranac Lake) do not have available signal strength exceeding 74 dBu from WPTZ.

As a cross-check regarding signal strength availability in Lake Placid, a point-to-point calculation was performed from WPTZ to a site centrally located in Lake Placid. The terrain profile radial is depicted in Figure 3. The terrain profile is provided in Figure 2. The propagation model used for Figure 2 was free space as adjusted for reflections plus multiple diffractions (RMD). The adjustments for multiple diffractions, according to EDX Engineering, Inc., is the methodology described in NBS Technical Note 101 which was authored by Alice

² The propagation curves now employed are not the same as were employed in 1954, the year Mt. Mansfield recites for the North Pole, Ch. 5, implementation. A 74 dBu contour based on the propagation curves used in 1954 would have shown both Lake Placid and Saranac Lake included therein.

Longley, Phillip Rice and others. The calculation procedures later became known as the Longley-Rice methodology. For paths, such as in Figure 2, where terrain obstacles are high enough that no 0.6 Fresnel zone clearance occurs, the total path loss is calculated by using the Epstein-Peterson approach for combining the diffraction losses due to successive terrain obstacles.

Terrain sample increments for the profile of Figure 2 are 0.1 km using the USGS 3-second terrain elevation database. Since free-space calculations are for isotropic antennas, a 2.15 dB factor was used to convert effective radiated power relative to a dipole to effective radiated power relative to an isotropic antenna. A receiving antenna gain of 4 dB relative to a dipole (6.15 dB relative to an isotropic antenna) and a line loss of 1 dB were employed to reflect the same planning factors for low VHF channels as were employed by the FCC in OET Bulletin Number 69. The calculated received signal level of -54.56 dBm, indicated on Figure 2, converts to a signal strength level of 58.5 dBu at the Ch. 5 frequency of 79 MHz. Had the FCC conversion factor of 111.8 dB, based on a midband frequency of 69 MHz, been employed, the signal strength would have converted to 57.2 dBu. In either case, the predicted signal strength is well

below the principal community level of 74 dBu. The point-to-point calculation tends to corroborate the Longley-Rice prediction.

In summary, Lake Placid has never received principal community service from WPTZ, and the argument made by Mt. Mansfield that residents of Lake Placid have a historic right to receive principal community coverage, is not well founded.

As demonstrated by the calculation results, residents of Lake Placid are capable of receiving WPTZ with signal strength better than Grade B but less than principal community grade. Hearst-Argyle recognizes the need to preserve coverage for Lake Placid residents if it should succeed in moving to Mt. Mansfield for its DTV operation and satisfactory reception in Lake Placid does not occur. The undersigned has been advised that Hearst-Argyle will submit an application to the FCC for the installation of a translator to serve the community in that event. A quick review of the UHF spectrum reveals several channels that may be available for translator use at Lake Placid.

Bernard R. Segal, P.E.
Consulting Engineer
Washington, DC

Engineering Statement
Station WPTZ, North Pole, New York

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Various study results are included in the Hammett & Edison, Inc. Statement concerning population gains and losses for WPTZ-DT for a presumed operation from Mt. Mansfield compared with operation from Mt. Terry. Also, two additional items related to a prospective WPTZ-DT relocation to Mt. Mansfield were mentioned; one relates to possible increased interference to two LPTV stations, W14AH, Binghamton and W16AL, Burlington, and the other, to possible increased interference to Canadian land mobile facilities operating adjacent to Ch. 14.

These are specious issues. No proposal to locate WPTZ-DT to Mt. Mansfield is pending. When such a proposal is submitted, any issues deemed worthy of consideration by the FCC will no doubt be raised at that time. Also, any such proposal must, by treaty, be submitted to Canada for review. If Canada perceives a problem related to land mobile interference, it will have an opportunity to raise an objection.

Bernard R. Segal, P.E.
Consulting Engineer
Washington, DC

Engineering Statement
Station WPTZ, North Pole, New York

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I declare under penalty of perjury that the foregoing is true and correct. Executed on September 3, 1999.

A handwritten signature in cursive script that reads "Bernard R. Segal, P.E.".

Bernard R. Segal, P.E.

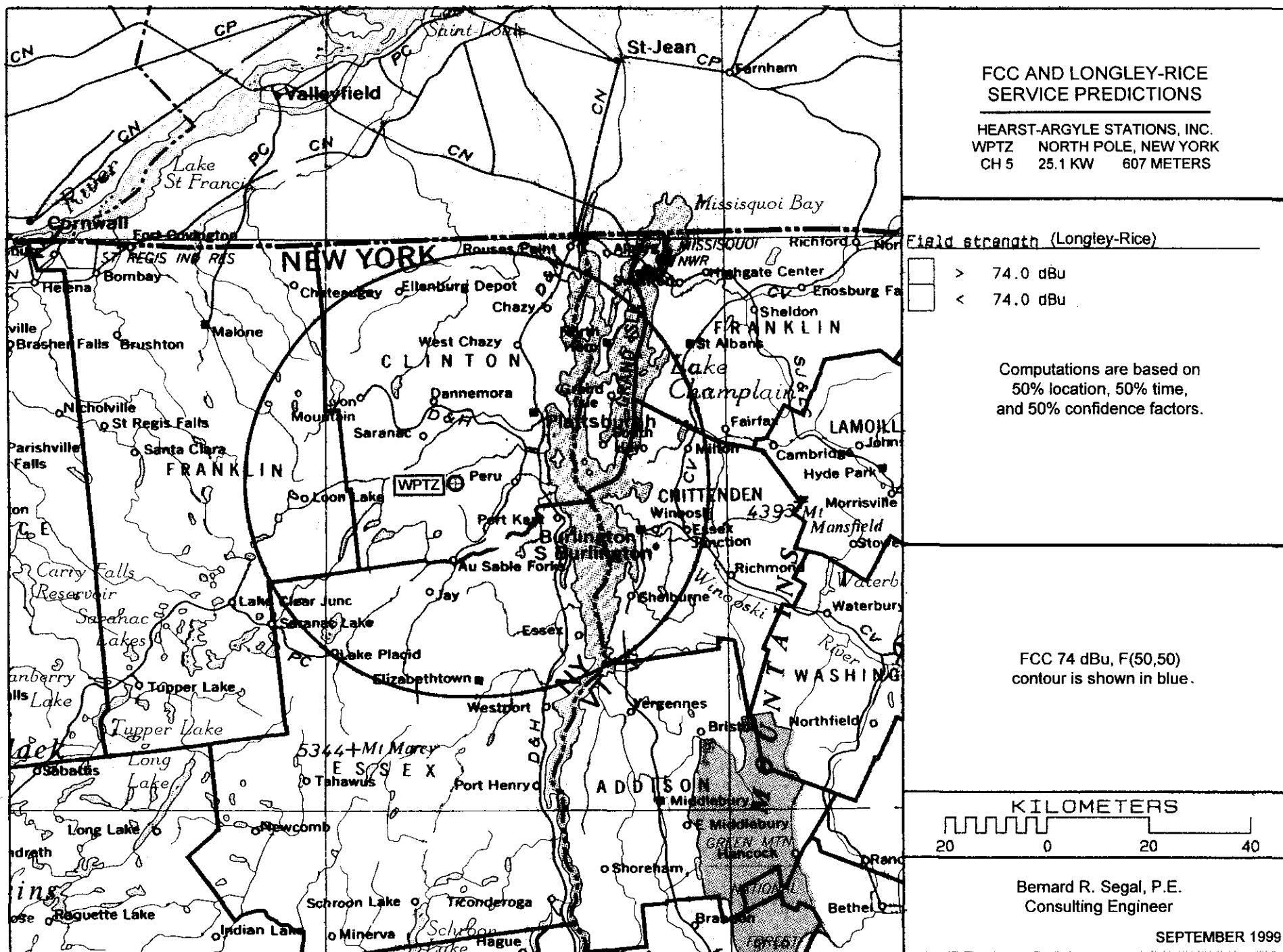


Figure 7

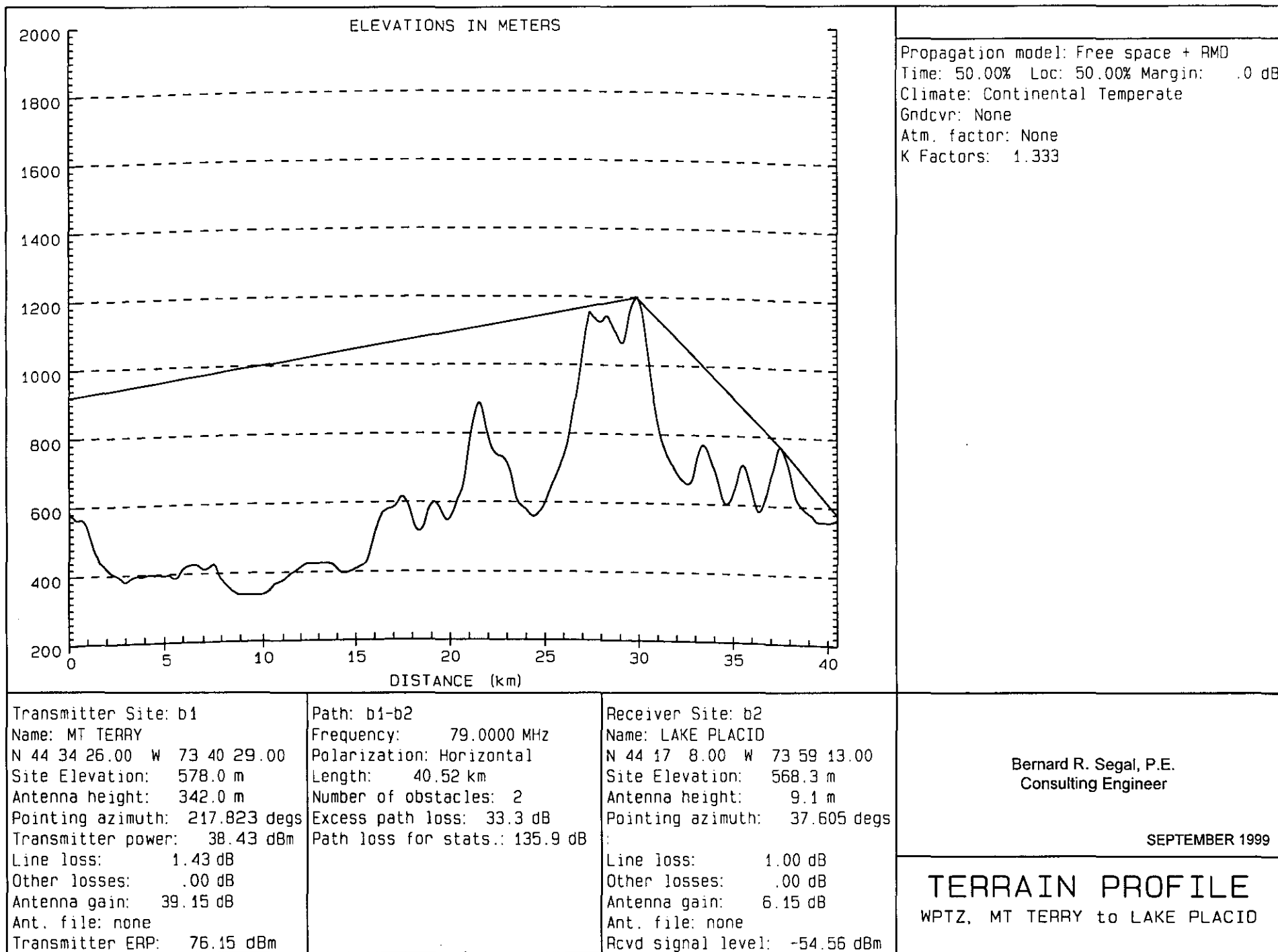


Figure 2

SEPTEMBER 1999

Figure 3

RADIAL PATH FOR TERRAIN PROFILE FROM WPTZ, MT. TERRY, TO LAKE PLACID TEST RECEIVING SITE

HEARST-ARGYLE STATIONS, INC.
WPTZ NORTH POLE, NEW YORK
CH 5 25.1 KW 607 METERS

Bernard R. Segal, P.E. Consulting Engineer

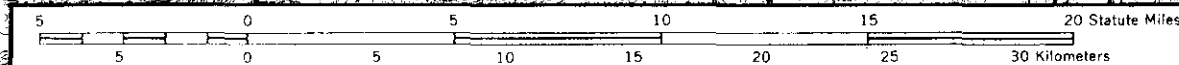
WPTZ, Mt. Terry

44° 34' 26" NL
73° 40' 29" WL

217.8° True

Lake Placid
Test Receiving Site

44° 17' 08" NL
73° 59' 13" WL



74° 00'

73° 45'

73° 30'

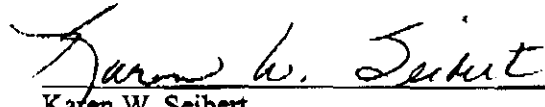
Certificate of Service

I, Karen W. Seibert, certify that a copy of the foregoing Reply Comments of Hearst-Argyle Stations, Inc. were served by first-class mail, postage prepaid upon the following:

J. Roger Wallenberg
Joel Rosenbloom
William R. Richardson, Jr.
Michael A. McKenzie
2445 M. Street, N.W.
Washington, DC 20037-1420
Counsel for Mt. Mansfield Television, Inc.

Leslie F. Shapiro
Mass Media Bureau
Federal Communications Commission
445 12th Street, S.W., TWA325
Washington, DC 20004

This 7th day of September, 1999.



Karen W. Seibert